UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,374	09/14/2004	Todd Clifford Sicklinger		5373

44327 7590 12/15/2005

TODD SICKLINGER
35 RIVER DRIVE #1111
JERSEY CITY, NJ 07310

EXAMINER	
MOONEY, MICHAEL P	

ART UNIT	PAPER NUMBER
2883	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/711,374	SICKLINGER, TODD CLIFFORD	
	Examiner	Art Unit	
	Michael P. Mooney	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-12 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 10-11 are rejected under 35 U.S.C. 102b as being anticipated by Goldhar et al. (4615588).

Goldhar et al. teaches an optical switch (Title) comprising a plasma field (col. 1 lines 55-65). Thus claim 1 is met.

Goldhar et al. teaches wherein the plasma field is generated electronically (fig. 2; col. 3 lines 24-43). Thus claim 2 is met.

Goldhar et al. teaches a positive electrode and a negative electrode (fig. 2; col. 3 lines 24-43). Thus claim 3 is met.

Goldhar et al. teaches an inlet port and a plurality of output ports (fig. 2; col. 2 lines 36-46). Thus claim 4 is met.

It is noted that adding the word "optical" before "port" and adding the word "optical" before "ports" would render Goldhar et al. inapplicable to claim 4.

Goldhar et al. teaches a plasma chamber (fig. 2). Thus claim 5 is met.

Goldhar et al. teaches said inlet port and said plurality of outlet ports are contained within said plasma chamber (fig. 2; col. 2 lines 36-46). Thus claim 6 is met.

Goldhar et al. teaches a gas and a means for generating a plasma field in said gas (fig. 2; col. 3 lines 24-43). Thus claim 10 is met.

Goldhar et al. teaches a gas and a means for generating a plasma field in said gas (fig. 2; col. 3 lines 24-43). Thus claim 11 is met.

Claims 1, 4, 7, 8, 9 are rejected under 35 U.S.C. 102b as being anticipated by Veligdan (5293397).

Veligdan teaches an optical switch comprising a plasma field (fig. 2). Thus claim 1 is met.

Veligdan teaches an inlet port and a plurality of output ports (fig. 2). Thus claim 4 is met.

Veligdan teaches the plasma field is generated by a laser (col. 5 lines 5-60; col. 4 lines 45-63). Thus claim 7 is met.

Veligdan teaches a light signal is reflected by the plasma field (col. 5 lines 5-60; col. 4 lines 45-63). Thus claim 8 is met.

Veligdan teaches the electron density of the plasma field is varied to alter the path of a light signal through the plasma field (col. 5 lines 5-60; col. 4 lines 45-63). Thus claim 9 is met.

Claims 1, 9 are rejected under 35 U.S.C. 102b as being anticipated by Okayama (6374018).

Okayama teaches an optical switch comprising a plasma field (e.g.: fig. 1, col. 6 line 47 to col. 7 line 10). Thus claim 1 is met.

Okayama teaches the electron density of the plasma field is varied to alter the path of a light signal through the plasma field (e.g.: fig. 1, col. 6 line 47 to col. 7 line 10). Thus claim 9 is met.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhar et al. (4615588).

Goldhar et al. teaches a gas and a means for generating a plasma field in said gas (fig. 2; col. 3 lines 24-43).

Regarding claim 12, Although Goldhar et al. does not expressly state the word "lens",it would have been obvious to one of ordinary skill to use a lens with Goldhar et al.'s switch because it is conventionally known to use the switch taught by Goldhar et al. in plasma displays and it is also conventionally known to use plasma displays with (micro) lens arrays.

One of ordinary skill would have been motivated to use a version of Goldhar et al.'s plasma switch in a plasma display for the purpose utilizing the switch in one of its most common applications and/or produce a useful display. Furthermore, one of ordinary skill would have been motivated to use a lens array with the said plasma display for the purpose of using a commonly known means for producing a higher quality image.

Thus claim 12 is rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1562.

Michael P. Mooney
Examiner
Art Unit 2883

Frank G. Font
Supervisory Patent Examiner
Art Unit 2883

FGF/mpm
12/5/05